

# **EXHIBIT 1**

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**From:** Gibbs, J. Evan  
**Sent:** Thursday, October 31, 2024 3:35 PM  
**To:** Colleen O'Neil; Michael Mule  
**Cc:** Nicole Koster; Hope Devito; Kadeem Harper; James Orioli; Gorman, Daniel E.; Adler, Matt; Kent, Paris L.; Mulry, Kevin P.  
**Subject:** RE: SiteOne Landscape v. Giordano, et al. - Follow up from today

Mike and Colleen –

We are growing concerned about the lack of response to our inquiries and request for a call regarding the hit count report. Are you available to discuss tomorrow or Monday? The Court was clear during the hearing that we are to meet and confer over the search terms and hit counts in order to agree on a reasonable scope of review and production from Defendants. If you are unwilling to engage in that effort, we will have no choice but to bring this issue to the Court, and we are not going to wait until November 26 to do so because that will only result in Defendants further delaying this process.

If you're not available tomorrow or Monday for a call, please let us know when you are. If we don't hear from you, we will assume you are unwilling to meet and confer and we will file our motion next week, noting the lack of communication.

Thank you.

**J. Evan Gibbs**

Partner

**troutman pepper**

Direct: 404.885.3093 | Mobile: 229.425.3745  
evan.gibbs@troutman.com

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**From:** Gibbs, J. Evan  
**Sent:** Monday, October 28, 2024 10:32 AM  
**To:** Colleen O'Neil <Colleen@mllaborlaw.com>; Michael Mule <MichaelMule@mllaborlaw.com>  
**Cc:** Nicole Koster <NKoster@mllaborlaw.com>; Hope Devito <hdevito@mllaborlaw.com>; Kadeem Harper <kharper@mllaborlaw.com>; James Orioli <James@mllaborlaw.com>; Gorman, Daniel E. <Daniel.Gorman@troutman.com>; Adler, Matt <Matt.Adler@Troutman.com>; Kent, Paris L. <Paris.Kent@troutman.com>; Mulry, Kevin P. <kmulry@FarrellFritz.com>  
**Subject:** RE: SiteOne Landscape v. Giordano, et al. - Follow up from today

Mike and Colleen –

I hope you had a nice weekend. I'm following up again on my original message from October 16 regarding the hit count report. In my experience, a hit count report can be generated very quickly (i.e., within minutes) so I'm not sure why we have not heard back on that yet 12 days later. Delay in sending us the report delays the review and production of responsive documents. Given the Court's rulings on the timing of Defendants' production (November 26), time is certainly of the essence in moving through this process.

Let's have a call tomorrow to discuss the status of the report. How is your schedule tomorrow morning?

Thank you.

**J. Evan Gibbs**

Partner

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**From:** Gibbs, J. Evan

**Sent:** Tuesday, October 22, 2024 10:28 PM

**To:** Colleen O'Neil <[Colleen@mllaborlaw.com](mailto:Colleen@mllaborlaw.com)>; Michael Mule <[MichaelMule@mllaborlaw.com](mailto:MichaelMule@mllaborlaw.com)>

**Cc:** Nicole Koster <[NKoster@mllaborlaw.com](mailto:NKoster@mllaborlaw.com)>; Hope Devito <[hdevito@mllaborlaw.com](mailto:hdevito@mllaborlaw.com)>; Kadeem Harper <[kharper@mllaborlaw.com](mailto:kharper@mllaborlaw.com)>; James Orioli <[James@mllaborlaw.com](mailto:James@mllaborlaw.com)>; Gorman, Daniel E.

<[Daniel.Gorman@troutman.com](mailto:Daniel.Gorman@troutman.com)>; Adler, Matt <[Matt.Adler@Troutman.com](mailto:Matt.Adler@Troutman.com)>; Kent, Paris L.

<[Paris.Kent@troutman.com](mailto:Paris.Kent@troutman.com)>; Mulry, Kevin P. <[kmulry@FarrellFritz.com](mailto:kmulry@FarrellFritz.com)>

**Subject:** RE: SiteOne Landscape v. Giordano, et al. - Follow up from today

Colleen and Mike –

I hope you're doing well. I'm following up on my email below to get a sense of the timing on sending over the hit counts for the terms we provided. I think the sooner the better so we can work on any necessary modifications, etc. so that it isn't holding up your review. We can be available for a call this week if you prefer to discuss them live.

Thank you and talk soon.

**J. Evan Gibbs**

Partner

**troutman pepper**

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**From:** Gibbs, J. Evan

**Sent:** Wednesday, October 16, 2024 12:44 PM

**To:** Colleen O'Neil <[Colleen@mllaborlaw.com](mailto:Colleen@mllaborlaw.com)>

**Cc:** Michael Mule <[MichaelMule@mllaborlaw.com](mailto:MichaelMule@mllaborlaw.com)>; Nicole Koster <[NKoster@mllaborlaw.com](mailto:NKoster@mllaborlaw.com)>; Hope Devito <[hdevito@mllaborlaw.com](mailto:hdevito@mllaborlaw.com)>; Kadeem Harper <[kharper@mllaborlaw.com](mailto:kharper@mllaborlaw.com)>; James Orioli <[James@mllaborlaw.com](mailto:James@mllaborlaw.com)>;

Gorman, Daniel E. <[Daniel.Gorman@troutman.com](mailto:Daniel.Gorman@troutman.com)>; Adler, Matt <[Matt.Adler@Troutman.com](mailto:Matt.Adler@Troutman.com)>; Kent, Paris L.

<[Paris.Kent@troutman.com](mailto:Paris.Kent@troutman.com)>; Mulry, Kevin P. <[kmulry@FarrellFritz.com](mailto:kmulry@FarrellFritz.com)>

**Subject:** RE: SiteOne Landscape v. Giordano, et al. - Follow up from today

Colleen –

To keep everything organized (and so the doc will be Bates numbered), we're including it in our forthcoming production which you should get in the next day or two. It's a screenshot of a text message.

Following up on our search terms discussion from yesterday, I've attached a Word version of the physical copy I handed you yesterday for ease of reference. I went ahead and added Don's contacts as was indicated in the highlighted areas of the version I gave you yesterday.

Thank you.

**J. Evan Gibbs**

Partner

**troutman pepper**

Direct: 404.885.3093 | Mobile: 229.425.3745

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**From:** Colleen O'Neil <[Colleen@mllaborlaw.com](mailto:Colleen@mllaborlaw.com)>

**Sent:** Tuesday, October 15, 2024 5:40 PM

**To:** Gibbs, J. Evan <[Evan.Gibbs@troutman.com](mailto:Evan.Gibbs@troutman.com)>

**Cc:** Michael Mule <[MichaelMule@mllaborlaw.com](mailto:MichaelMule@mllaborlaw.com)>; Nicole Koster <[NKoster@mllaborlaw.com](mailto:NKoster@mllaborlaw.com)>; Hope Devito <[hdevito@mllaborlaw.com](mailto:hdevito@mllaborlaw.com)>; Kadeem Harper <[kharp@troutman.com](mailto:kharp@troutman.com)>; James Orioli <[James@mllaborlaw.com](mailto:James@mllaborlaw.com)>; Gorman, Daniel E. <[Daniel.Gorman@troutman.com](mailto:Daniel.Gorman@troutman.com)>; Adler, Matt <[Matt.Adler@troutman.com](mailto:Matt.Adler@troutman.com)>; Kent, Paris L. <[Paris.Kent@troutman.com](mailto:Paris.Kent@troutman.com)>; Mulry, Kevin P. <[kmulry@FarrellFritz.com](mailto:kmulry@FarrellFritz.com)>

**Subject:** RE: SiteOne Landscape v. Giordano, et al. - Follow up from today

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Hi Evan

Can you please send me the sample solicitation that you mentioned you had today?

Thanks